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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,837	02/25/2002	Eric Lauper	34415	1296

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PEARNE & GORDON LLP  
1801 EAST 9TH STREET  
SUITE 1200  
CLEVELAND, OH 44114-3108

EXAMINER

WALLERSON, MARK E

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 03/17/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/082,837

Applicant(s)

LAUPER ET AL.

Examiner

Mark E. Wallerson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-13, 15, 17-47 and 49-54 is/are rejected.
- 7) ☐ Claim(s) 14, 16 and 48 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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### Part III DETAILED ACTION

#### Notice to Applicant(s)

1. This application has been examined. Claims 1-54 are pending.

#### *Information Disclosure Statement*

2. The references listed in the Information Disclosure Statement dated 2/5/02 have been considered by the Examiner and is attached to this Office Action.

#### *Specification*

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because:
  - a. It is not in a single paragraph, and
  - b. It contains "means" language. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 49 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

“said first resp. second encoding module” is unclear.

***Claim Rejections - 35 USC § 102***

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 50, 51, 52, 53, and 54 are rejected under 35 U.S.C. 102(e) as being anticipated by Geisler et al (Geisler) (U.S. 6,252,989).

With respect to claims 1, 9, 10, 13, 17, 18, 19, 20, 21, 25, 32, 33, 39, 44, 45, 50, 51, 52, 53, and 54, Geisler discloses a method for the transmission and reproduction of image data in which the image data is transmitted from a sending device to at least one communication device (figure 1) and reproduced by image reproducing means (display), the current viewing direction of the communication terminal's user being determined (column 2, lines 39-61), wherein first image data is transmitted with a low resolution over a first transmission channel (column 2, lines 49-58); the current viewing direction is sent over a reverse communication channel (column 2, lines 39-49); second image data corresponding to image areas viewed currently or in the future are transmitted with a higher resolution over a second channel (figure 1 and column 2, lines 58-61), and wherein the first and second images are superimposed and simultaneously reproduced in the terminal (column 2, lines 58-61).

Additionally, Geisler discloses encoding modules for compressing the image data (column 4, lines 6-30).

With respect to claims 2, 3, 22, 23, and 26, 40, Geisler discloses the image data are projected on the retina of the user (column 2, lines 39-61 and column 3, lines 48-64).

With regard to claims 4, 27, and 41, Geisler discloses adjusting the size of the viewed image (column 3, lines 15-64).

With respect to claims 5, 6, 7, 8, 28, 42, and 43, Geisler discloses the image can be adapted to the bandwidth of the second channel and the image data is transmitted in a broadcast mode (column 3, lines 1-13 and column 8, lines 30-34 and column 8, line 65 to column 9, line 5).

With respect to claims 11, 12, 29, 30, 34, 46, 47, Geisler discloses a telephone or mobile radio network (column 9, lines 31-40).

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With regard to claim 15, Geisler discloses additional multimedia (video) data requested by the user are sent over the channel (column 11, lines 1-12).

With respect to claim 24, Geisler discloses the image reproduction means are integrated in a different unit from the receiving part of the communication terminal (figure 1).

With regard to claim 31, Geisler discloses a data carrier reader (column 11, lines 1-12).

With respect to claim 35, Geisler discloses sending the viewing direction in real-time to the sending device (column 11 lines 30-63).

With regard to claims 36, 37, 38 Geisler discloses a memory (register) for storing the data (column 11, lines 1-21).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Wallerson whose telephone number is (703) 305-8581.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, DC 20231

or faxed to:

(703) 872-9314 (for formal communications intended for entry)

(for informal or draft communications, such as proposed amendments to be discussed at an interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

Crystal Park Two  
2121 Crystal Drive  
Arlington, VA.  
Sixth Floor (Receptionist)

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MARK WALLERSON  
PRIMARY EXAMINER

A large, stylized handwritten signature in black ink, appearing to read 'MW', is written over the printed name and title.

MARK WALLERSON